



466686

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. C80-1858

vs.

MOTION TO FILE THIRD-PARTY
COMPLAINT

CHEMICAL RECOVERY SYSTEMS,
INC.,

Defendant and Third Party
Plaintiff,

vs.

HARSHAW CHEMICAL COMPANY, RUSSELL W.
OBITTS, and DOROTHY OBITTS,

Third Party Defendants.

NOW COMES the Defendant, Chemical Recovery Systems, Inc.
by and through its attornesy, MURPHY, BURNS & MCINERNEY, P.C.,
and moves for leave to file and cause to be served upon,
Harshaw Chemical Company, Russell W. Obitts, and Dorothy
Obitts summonses and Third-Party Complaints, copies of which
are hereto attached as Exhibit "A" for the following reasons:

1. Information recently obtained by proposed Third-Party
Plaintiff indicates that the proposed Third-Party Defendants may
be wholly or partially liable to the proposed Third-Party Plaintiff
for the damages alleged by Plaintiff in its Complaint; see
attached Exhibit "B".

2. In the absence of the Third-Party Defendants, complete
relief cannot be accorded among the present parties to this action
and Defendant, Third Party Plaintiff, request this relief pursuant
to and in the interest of having complete adjudication of the
issue before the Court in an orderly and economical fashion.

WHEREFORE, Defendant prays this Honorable Court issue an

Order permitting the addition of Hawshaw Chemical Company, Russell W. Obitts and Dorothy Obitts as Third-Party Defendants in this matter.

Dated: March 5, 1981

MURPHY, BURNS & MCINERNEY, P.C.

BY: 

Gary J. McInerney (PI7439)
Attorney for Defendant

Business Address:

4000 Campau Square Building
180 Monroe, NW
Grand Rapids, MI 49503
Telephone: (616) 458-5005

United States District Court

EXHIBIT A

FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CIVIL ACTION FILE NO. C80-1858

UNITED STATES OF AMERICA,

Plaintiff
v.

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant and Third-Party Plaintiff
v.

HARSHAW CHEMICAL COMPANY, RUSSELL W.
OBITTS, and DOROTHY OBITTS,

Third-Party Defendant

To the above-named Third-Party Defendant: RUSSELL W. OBITTS

You are hereby summoned and required to serve upon Kathleen Ann Sutula

Plaintiff's attorney, whose address is 400 U.S. Courthouse, Cleveland, Ohio 44114

and upon Gary J. McInerney

who is attorney for the above-named defendant and third-party plaintiff, and whose address is
4000 Campau Square Building, 180 Monroe, N.W., Grand Rapids, MI 49503

an answer to the third-party complaint which is herewith served upon you within 20 days after the
service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by
default will be taken against you for the relief demanded in the third-party complaint. There is also
~~served~~ served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering
or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h), and (2) the
third-party plaintiff is demanding judgment against *you* in favor of the original plaintiff under the
circumstances described in Rule 14(c), in which situation you are required to make your defenses,
if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

Clerk of the Court

Deputy Clerk

Dated: _____

[Seal of Court]

Note: This summons is issued pursuant to Rule 14 of the Federal Rules of Civil Procedure, as amended July 1, 1966.

United States District Court

FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CIVIL ACTION FILE NO. C80-1858

UNITED STATES OF AMERICA,

Plaintiff
v.

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant and Third-Party Plaintiff
v.

HARSHAW CHEMICAL COMPANY, RUSSELL W.
OBITTS, and DOROTHY OBITTS,

Third-Party Defendant

To the above-named Third-Party Defendant: DOROTHY OBITTS

You are hereby summoned and required to serve upon Kathleen Ann Sutula

Plaintiff's attorney, whose address is 400 U.S. Courthouse, Cleveland, Ohio 44114

and upon Gary J. McInerney

who is attorney for the above-named defendant and third-party plaintiff, and whose address is

4000 Campau Square Building, 180 Monroe, N.W., Grand Rapids, MI 49503

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, unless (1) this is a case within Rule 9(h), and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c), in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

Clerk of the Court

Deputy Clerk

Dated: _____

[Seal of Court]

Note: This summons is issued pursuant to Rule 14 of the Federal Rules of Civil Procedure, as amended July 1, 1966.

United States District Court

FOR THE
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CIVIL ACTION FILE NO. C80-1858

UNITED STATES OF AMERICA,

Plaintiff
v.

CHEMICAL RECOVERY SYSTEMS, INC.,

Defendant and Third-Party Plaintiff
v.

HARSHAW CHEMICAL COMPANY, RUSSELL W.
OBITTS, and DOROTHY OBITTS,

Third-Party Defendant

SUMMONS

To the above-named Third-Party Defendant: HARSHAW CHEMICAL COMPANY

You are hereby summoned and required to serve upon: Kathleen Ann Sutula

Plaintiff's attorney, whose address is 400 U.S. Courthouse, Cleveland, Ohio 44114

and upon Gary J. McInerney

who is attorney for the above-named defendant and third-party plaintiff, and whose address is
4000 Campau Square Building, 180 Monroe, N.W., Grand Rapids, MI 49503

an answer to the third-party complaint which is herewith served upon you within 20 days after the service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h), and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c), in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

Clerk of the Court

Deputy Clerk

Dated: _____

[Seal of Court]

Note: This summons is issued pursuant to Rule 14 of the Federal Rules of Civil Procedure, as amended July 1, 1966.